

PRESS RELEASE

May 8, 2006

THREE NIAGARA COUNTY MEN CHARGED WITH EXTORTION, RACKETEERING, ARSON, MAIL FRAUD AND OTHER CRIMES

**RE: *UNITED STATES v. DAVID CAIN, JR., CHRIS CAIN,
and JAMES SOHA***

United States Attorney Terrance P. Flynn announced today the unsealing of a 32 Count indictment that was returned last Friday, May 5, and which charged David Cain, Jr., 35, of 2089 Lonnon Road, Barker, New York, Chris Cain, 33, of 2057 Lonnon Road, Barker, New York, and James Soha, 30, of 1 Bewley Parkway, Lockport, New York, with racketeering and racketeering conspiracy, in violation of Section 1962(c) and (d) of Title 18. In addition, David Cain, Jr., was charged with five (5) counts of extortion, in violation of Section 1951 of Title 18, three (3) counts of mail fraud, in violation of Section 1341 of Title 18, six (6) counts of arson, in violation of Sections 844(h) and 844(i), nine (9) counts of witness tampering, and one (1) count of evidence tampering, in violation of Section 1512.

In addition to being charged with racketeering and racketeering conspiracy, Soha is being charged with five (5) counts

of extortion and two (2) counts of arson. Chris Cain is also charged with one (1) count of conspiring to possess and distribute marijuana, in violation of Section 846 of Title 21, one (1) count of interstate robbery in violation of Section 1951, one (1) count of mail fraud, two (2) counts of witness tampering and two (2) counts of arson.

The maximum sentence for these charges are:

Racketeering	- 20 years
Mail Fraud	- 5 years
	Marijuana Conspiracy - 5 years
Witness Tampering	- 10 years
Evidence Tampering	- 20 years

In addition, each of the arson charges carries a mandatory ten (10) year term of imprisonment which must be served consecutively to any other sentence (including sentences imposed on other arson charges). Each of the charges carry a fine of up to \$250,000.

A chart of the charges contained in the indictment is attached. It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty. **(Disciplinary Rule 7-107(B)(6)).**

Chris Cain was arrested earlier today. David Cain is

currently in federal custody awaiting a May 31, 2006, trial of an indictment that charged him with assaulting a Deputy United States Marshal. James Soha is currently free on bail based on an earlier version of Friday's indictment, and arrangements will be made for him to surrender.

The indictment charges the defendants and others with being a group of individuals associated in fact that constituted a criminal organization that existed in Niagara and Orleans Counties that came together to commit extortion, engage in marijuana trafficking, arsons, robbery and insurance fraud, and then to cover up its activities by tampering with witnesses and hiding evidence.

The indictment resulted from a still-ongoing investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives under the direction of Resident Agent in Charge David DeJoe, the Niagara County Sheriff's Department, under the direction of Sheriff Thomas Beilein, the Orleans County Sheriff's Department, under the direction of Sheriff Scott D. Hess, and the Federal Bureau of Investigation, under the direction of Special Agent in Charge Laurie Bennett. Assistance to the investigation is also being provided by the Niagara and Orleans County District Attorney's Offices under District Attorneys Matthew J. Murphy III and Joseph V. Cardone, respectively.

	COUNT AND CORRESPONDING RACKETEERING ACT	DEFENDANTS	<u>CHARGE</u>
	Hobbs Extortion of Keith Kent (Fifth Racketeering Act)	David Cain, Jr. James Soha	18 USC § 1951
2.	Arson (Kent's Pick up truck)	David Cain, Jr. James Soha	18 USC § 844(h)
3.	Attempted Hobbs Extortion of Keith Kent (by vandalism of Chuck Bracey's equipment) (Sixth Racketeering Act)	David Cain, Jr. James Soha	18 USC § 1951
4.	Mail Fraud - 8101 Telegraph Road Arson/Insurance Fraud (Seventh Racketeering Act)	David Cain, Jr.	18 USC § 1341
5.	Arson (8101 Telegraph Road)	David Cain, Jr.	18 USC § 844(h)
6.	Hobbs Extortion of Chuck Bracey (Eighth Racketeering Act)	David Cain, Jr. James Soha	18 USC § 1951
7.	Arson (Bracey's place of business)	David Cain, Jr.	18 USC § 844(h)

		James Soha	
8.	Hobbs Extortion of Chris McComber (Ninth Racketeering Act)	David Cain, Jr. James Soha	18 USC § 1951
9.	Hobbs Extortion of Dan Gollus (Tenth Racketeering Act)	David Cain, Jr. James Soha	18 USC § 1951
10.	Mail Fraud - Wagner Assault (Eleventh Racketeering Act)	David Cain, Jr.	18 USC § 1341
11.	Witness Tampering - Tim Smider (Twelfth Racketeering Act)	David Cain, Jr.	18 USC § 1512(b)(1) and (3)
12.	Conspiracy to manufacture and possession of marijuana with intent to distribute (Thirteenth Racketeering Act)	Chris Cain	21 USC § 846
13.	Mail Fraud - 1423 County Line Road Arson/Insurance Fraud (Fifteenth Racketeering Act)	David Cain, Jr. Chris Cain	18 USC § 1341
14.	Arson - 1423 County Line Road	David Cain, Jr. Chris Cain	18 USC § 844(h)
15.	Hobbs Robbery of Marjorie Carter (Sixteenth Racketeering Act)	Chris Cain	18 USC § 1951
16.	Witness Tampering - hiding Mechelle Lawless (Seventeenth Racketeering Act)	Chris Cain	18 USC § 1512(b)(2)(C)
17.	Destruction of Golus's airplane	David Cain, Jr.	18 USC § 32(a)
18.	Arson - Golus's airplane	David Cain, Jr.	18 USC § 844(h)
19.	Arson - Hangar - Royalton Airport (Charged as state law arson in Twenty-first Racketeering Act)	David Cain, Jr.	18 USC § 844(i)
20.	Witness Tampering Conspiracy - Tim Smider (Nineteenth Racketeering Act)	David Cain, Jr.	18 USC § 1512(k)
21.	Witness Tampering - Tim Smider (Nineteenth Racketeering Act)	David Cain, Jr.	18 USC § 1512(b)(1)
22.	Witness Tampering - Larry Kropp (Twentieth Racketeering Act)	David Cain, Jr.	18 USC § 1512(b)(1)
23.	Witness Tampering - Cheryl Wagner (Twenty-first Racketeering Act)	David Cain, Jr.	18 USC § 1512(b)(1)
24.	Witness Tampering - Nathan Stanley (Twenty-second	David Cain, Jr.	18 USC § 1512(b)(1)

	Racketeering Act)		
25.	Witness Tampering - Larry Kropp (Twenty-third Racketeering Act)	Chris Cain	18 USC § 1512(b)(1) and (d)
26.	Witness Tampering Conspiracy - Sean Cooper (Twenty-fourth Racketeering Act)	David Cain, Jr.	18 USC § 1512(k)
27.	Witness Tampering - Sean Cooper (Twenty-fourth Racketeering Act)	David Cain, Jr.	18 USC § 1512(b)(1)
28.	Evidence Tampering Conspiracy - Joseph Heitzenrater (Twenty-fifth Racketeering Act)	David Cain, Jr.	18 USC § 1512(k)
29.	Evidence Tampering - Joseph Heitzenrater (Twenty-fifth Racketeering Act)	David Cain, Jr.	18 USC § 1512(c)(1)
30.	Substantive RICO	David Cain, Jr. Chris Cain James Soha	18 USC § 1962(c)
31.	RICO Conspiracy	David Cain, Jr. Chris Cain James Soha	18 USC § 1962(d)
32.	Arson - Georgia Korocecz's home (based on substantive RICO (County Thirty-nine)(Sixteenth Racketeering Act))	Chris Cain	18 USC § 844(h)

In addition to the charges outlined above, the RICO count (Count Thirty) charges an otherwise time-barred Hobbs extortion and five state law offenses as stand-alone predicates as follows:

<u>RACKETEERING ACT</u>	<u>DEFENDANTS</u>	<u>COUNT</u>
1. Arson - Cherry Junkyard	David Cain, Jr.	State arson and conspiracy, Penal Law §§ 150.10 and 105.10; no substantive count
2. Arson - Callaghan Caprice	David Cain, Jr. Chris Cain	State arson and conspiracy, Penal Law §§ 150.10 and 105.10; no substantive count
3. Arson - Luczak Garage	David Cain, Jr.	State arson and conspiracy, Penal Law §§ 150.10 and 105.10; no substantive count

4. Hobbs - Keith Kent	David Cain, Jr.	18 U.S.C. § 1951 outside of normal S/L; no substantive count
14. Arson - Korocecz home	Chris Cain	State arson and conspiracy, Penal Law §§ 150.10 and 105.10; no substantive count
18. Arson-Airplane hangar	David Cain, Jr.	State arson, Penal Law § 150.10; no substantive count (but see Count 20)

In addition, two of the RICO predicates that are based on federal offenses have been sub-predicated to include the analogous state offenses.

RACKETEERING ACT	DEFENDANTS	COUNT
15. Arson/Mail Fraud - Cain residence	David Cain, Jr. Chris Cain	13 - state arson and conspiracy, Penal Law §§ 150.10 and 105.10 plus mail fraud (Count Twelve)
16. Hobbs Robbery of Marjorie Carter	Chris Cain	15 - state robbery and conspiracy, Penal Law §§ 160.10(2)(b) and 105.10 (NB: Hobbs robbery (count fifteen) NOT charged as a predicate)